

POLICY ON CLIENT COMPLAINTS

1. It is the policy of FFG as FSP to offer clients a formal complaints resolution system which will enable them to exercise their rights as provided for in the FAIS Act.
2. In the spirit of treating clients fairly we will:
 - a. Handle complaints fairly, promptly and impartially;
 - b. 'Treat like situations alike' when dealing with complaints and consider whether an error might have affected a wider class of clients and what should be done to remedy this;
 - c. Pay attention to the outcomes of complaints, which can serve as an important source of intelligence about the health of our business and systems. We will investigate the root causes of complaints and obtain feedback from clients who have experienced our complaints process to improve the level of service that we provide; and
 - d. Measure the length of time taken to deal with a complaint, the outcome and the way in which the outcome is communicated to the customer to ensure that we are treating our clients fairly.
3. The definition of a complaint in the General Code of Conduct and for the purpose of this policy is a specific complaint relating to a financial service rendered by FFG or one of its representatives to the complainant on or after 30 September 2004, and in which complaint it is alleged that FFG or its financial service:
 - a. Has contravened or failed to comply with a provision of the FAIS Act and that as a result thereof, the complainant has suffered or is likely to suffer financial prejudice or damage;
 - b. Has wilfully or negligently rendered a financial service to the complainant which has caused prejudice or damage to the complainant, or which is likely to result in such prejudice or damage; or
 - c. Has treated the complainant unfairly;

ANNEXURE B: PROCEDURE FOR HANDLING CLIENT COMPLAINTS

Introduction:

1. Person to contact in case of a complaint is Laryn Prins, at compliance@ffg.co.za or (018) 293 0656.

Complaint:

2. To invoke this procedure, the client must have a complaint as defined in paragraph 3 of the above policy.

Client's Procedure:

3. Submit your complaint in writing to FFG Compliance Department, PO Box 1993, Potchefstroom, 2531. Alternatively, mail it to compliance@ffg.co.za
4. The complaint needs to contain the following information:
 - a. Your name, surname and contact details;
 - b. A complete description of your complaint;
 - c. The name of the person who provided you with financial advice or intermediary service.
 - d. The date on which the matter complained about happened;
 - e. All documentation relating to your complaint;
 - f. How you would prefer to receive communication from FFG regarding your complaint i.e. by e-mail, fax, or post. Please provide us with the e-mail address, fax number or address where you would prefer to receive such communication.

FFG's procedure when receiving a complaint:

5. As soon as management receives a complaint, it will send you an acknowledgement of receipt. The method of communication chosen by you will determine how quickly we will receive and respond to your complaint
6. We will investigate and attempt to resolve your complaint to your satisfaction within 6 weeks of receipt of your complaint.

Referring the complaint to the Ombud:

7. If we are unable to resolve your complaint within 6 weeks or are unable to resolve the complaint to your satisfaction, you have the right to refer your complaint to the Ombud who has been appointed specifically for this purpose.
8. The contact details of the Ombud are as follows: Sussex Office Park, Ground Floor Block B, 473 Lynnwood Road, Lynnwood. The Ombud's telephone number is (012) 470 9080 / 99, fax number (012) 3483447 or e-mail address info@faisombud.co.za.
9. The complaint must be referred to the Ombud within 6 months from the date of the notice in which you have been informed that the complaint cannot be resolved to your satisfaction, however, we will strive to resolve the matter as soon as possible.

Rules applicable when referring the complaint to the Ombud:

10. The complaint must fall within the scope of the definition in the above policy.
11. The act or omission complained about must have been committed on or after 30 September 2004.
12. The complaint must be received by the Ombud within 3 years of the act or omission that resulted in the complaint. If the complainant was not aware of the act or omission, the period of 3 years starts running from the date on which the complainant became aware of this, or from the date on which a reasonable person in his/her circumstances would have become aware, whichever date is the earliest.
13. If the complainant already instituted action in a court of law relating to the matter forming the subject of the complaint submitted to the Ombud, the Ombud will not consider the complaint.
14. FFG must have been given the opportunity to resolve the complaint first. Only if we failed to resolve the complaint to the satisfaction of the complainant within 6 weeks of receipt, may the complainant take the matter to the Ombud.
15. The complainant has 6 months after receiving a final response from FFG, to go to the Ombud.
16. Complaints must be in writing and must be accompanied by relevant documentation.
17. The Ombud may refuse to consider a complaint if he believes that the complaint should be dealt with in court.

Procedure followed by the Ombud:

18. The Ombud officially receives the complaint.
19. The running of prescription (under the Prescription Act) is suspended from the date on which the official receipt of complaint is received by the complainant until the complaint is withdrawn or a determination is made by the Ombud or by the Board of Appeal.
20. The Ombud does not start the investigation of the complaint before he has informed all interested parties of the complaint, all particulars necessary to enable them to respond to the complaint and has given all parties the opportunity to respond.
21. The Ombud will discontinue an investigation of a complaint in respect of which the complainant instituted action in court while the Ombud was investigating the complaint.
22. The Ombud will first attempt to resolve the complaint through conciliated settlement acceptable to all parties.
23. The Ombud may make a recommendation to the parties to resolve the complaint.
24. If the complaint is not resolved through conciliated settlement, the Ombud will decide which has the legal status of a civil judgment of court.
25. The determination can be a monetary award (not exceeding R800 000, unless the person complained against agrees to it), or any other that can be made by a court.
26. An award of costs may be made against the person complained against

27. An award of costs may be made against a complainant if the conduct of the complainant was improper or unreasonable, or if the complainant caused an unreasonable delay in the finalisation of the investigation.

Appeals to Board of Appeal:

28. It is possible to appeal to the Board of Appeal, only if the Ombud gives leave to appeal. If the Ombud refuses, the chairperson of the Board of Appeal can be requested for permission to appeal.
29. Application for leave to appeal must be made to the Ombud within 1 month of the Ombud's determination.
30. If the Ombud refuses leave to appeal, application for leave to appeal may be made to the Chairperson of the Board of Appeal, within 1 month of the Ombud's refusal. The applicant must then inform the Ombud of his/her application.
31. A determination by the Board of Appeal has the same status as a judgment of a civil court.